



General Assembly

Amendment

February Session, 2022

LCO No. **5818**



Offered by:

SEN. LOONEY, 11th Dist.

SEN. WINFIELD, 10th Dist.

To: Subst. Senate Bill No. **306**

File No. 518

Cal. No. 381

"AN ACT CONCERNING DECEPTIVE INTERROGATION TACTICS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (Effective October 1, 2022) (a) As used in this
4 section:

5 (1) "Deception or coercive tactics" includes, but is not limited to, any
6 tactic that:

7 (A) Deprives the person being interrogated of physical or mental
8 health needs, including, but not limited to, food, sleep, use of the
9 restroom or prescribed medications;

10 (B) Uses or threatens the use of physical force upon the person being
11 interrogated or another person;

12 (C) Uses means or undue pressure to impair the physical or mental
13 condition of the person being interrogated to the extent of undermining

14 the person's ability to make an informed choice whether to make a
15 statement;

16 (D) Uses or threatens the unwarranted criminalization of another
17 person;

18 (E) Uses or threatens the unwarranted use of enhanced penalties,
19 upon the person being interrogated or another person; or

20 (F) Violates the constitutional rights of the person being interrogated;
21 and

22 (G) If the person being interrogated is under eighteen years of age,
23 "deception or coercive tactics" further includes any tactic that:

24 (i) Communicates false facts about evidence that were known or
25 should have been known to be false;

26 (ii) Provides holdback facts pertaining to a crime or crimes that were
27 not previously articulated by the person being interrogated, inducing
28 the person to adopt these facts;

29 (iii) Communicates false statements or misrepresentations of the law;
30 or

31 (iv) Communicates false or misleading promises of leniency or some
32 other benefit or reward.

33 (2) "Holdback facts" means incriminating facts about evidence
34 presumed only to be known to law enforcement and the perpetrator or
35 perpetrators of the crime, the knowledge of which are presumed to
36 demonstrate guilt.

37 (b) Any admission, confession or statement, whether written or oral,
38 made by any person during a custodial interrogation by a law
39 enforcement agency official or their agent, shall be presumed to be
40 involuntary and inadmissible in any proceeding if the law enforcement
41 agency official or their agent engaged in deception or coercive tactics

42 during such interrogation.

43 (c) The presumption that any such admission, confession or
44 statement is involuntary and inadmissible may be overcome if the state
45 proves by clear and convincing evidence that the admission, confession
46 or statement was (1) voluntary and not induced by the use of deception
47 or coercive tactics, and (2) any alleged use of deception or coercive
48 tactics did not undermine the reliability of the person's admission,
49 confession or statement and did not create a substantial risk that the
50 person might falsely incriminate themselves."

This act shall take effect as follows and shall amend the following sections:		